

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

FRANK SEARCH and ROBERT ROSE,
on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

MATERIAL TRANSPORT, LLC,
a domestic corporation, and
KIMBERLY M. CHERRY, an individual,

Defendants.

Docket No.: 4:18-CV-01941-RBH

MOTION FOR JUDGMENT BY DEFAULT

Plaintiffs Frank Search and Robert Rose, by and through undersigned counsel, hereby move this Court, pursuant to Federal Rule of Civil Procedure 55(a), to enter a Judgment by Default in favor of Plaintiffs and against Defendants Material Transport, LLC, and Kimberly M. Cherry, jointly and severally, on the grounds that said Defendants failed to answer or otherwise defend or respond to the Complaint.

Dated: January 31, 2019

Respectfully submitted,

DOUGALL & COLLINS

/s/ Michal Kalwajtys

Michal Kalwajtys (SC Bar # 100950)

1700 Woodcreek Farms Road

Elgin, SC 29045

(803) 865-8858 (office)

(803) 865-8944 (fax)

mkalwajtys@dougallfirm.com

Attorneys for Plaintiffs

Frank Search and Robert Rose

CERTIFICATE OF SERVICE

I hereby certify that, on this 31st day of January, 2019, a copy of the foregoing Motion for Judgment by Default, along with supporting documents, having first been filed on this Court's CM/ECF System, were sent via First Class mail to Defendants at the following address:

Material Transport LLC and Kimberly Cherry
1651 Gator Ally
Conway, SC 29557

/s/ Patrick S. Almonrode
Patrick S. Almonrode